



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

DECEMBER 17, 2019

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – KUM & GO, L.L.C.

STAFF: ASHON ROBINSON, PLANNER I

REQUEST INFORMATION:

ADDRESS/LOCATION:	200 & 204 W. Hudson Rd
TOTAL AREA TO BE REZONED:	2.68± acres, SW Corner of W. Hudson & N 2 nd
CURRENT ZONING:	C-2 (Highway Commercial)
PROPOSED ZONING:	C-3 (Neighborhood Commercial)
PLANNED USE:	Convenience Store with Gas

APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	Kum & Go, L.L.C./John Sewell (SITE)
PROJECT OWNER/DEVELOPER:	Kum & Go, L.L.C.
PROPERTY OWNER:	Metropolitan National Bank & Greg Henry
REQUEST:	Rezone approval

CITY INFORMATION:

CGM GROWTH DESIGNATION:	Neighborhood Center
GROWTH DESIGNATION CHARACTER:	Mixed-use centers located around intersections of arterial and collector streets. Polycentric pattern serves neighborhood populations within 1/2 mile radius of each center and supports efficient multi-modal transportation network. Goals include creating neighborhood character, conserving opportunity for non-residential activities, and providing accessibility to civic facilities, religious assembly, basic commercial services, and recreation.
ZONING DISTRICT INTENT:	Per Sec. 14-710(a), the C-3 district is "intended for areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility.
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

THIS REPORT MAY NOT REFLECT ALL INFORMATION, DOCUMENTS, OR OTHER MATERIALS MADE AVAILABLE TO OFFICIALS DURING DISCUSSION AND PUBLIC INPUT. STAFF RECOMMENDATIONS ARE BASED ON TECHNICAL REVIEW OF CITY CODE AND MATERIALS PROVIDED BY APPLICANT AT TIME OF SUBMITTAL.

VICINITY MAP:



PLANNING REVIEW:

1. LAND USE COMPATIBILITY:

- a) CGM Compliance: The subject request aligns with the purpose, character, and goals of the Neighborhood Center Growth Designation, which allows for the C-3 zoning districts.
- b) General Findings: Staff finds this to be an appropriate rezone request based on consistency with the Comprehensive Growth Map.

2. REPORTS FROM OTHERS: The Planning Division has not received supporting or opposing comments to date.

3. RECOMMENDATIONS: The Planning Commission should always consider requests with regard to land use compatibility and the health, safety, and general welfare of the public in making their decision.

- a) **Approve request.**

ENGINEERING REVIEW: N/A

STAFF SIGNATURES:



Ashon Robinson, Planner I
City of Rogers Planning Division

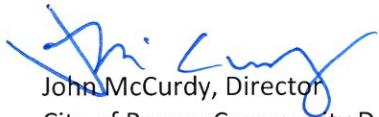


SUGGESTED MOTIONS:

1. FOR APPROVE: "Move to recommend for City Council approval the request by Kum & Go, L.L.C. to rezone 2.68 acres at 200 & 204 West Hudson Road to the C-3 zoning district as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to recommend for City Council approval the request by Kum & Go, L.L.C. to rezone 2.68 acres at 200 & 204 West Hudson Road to the C-3 zoning district subject to [conditions or contingencies]."
3. FOR DENY: "Move to deny the request as presented."
4. FOR TABLE: "Move to table the request [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendations.



John McCurdy, Director
City of Rogers Community Development

TABS:

1. Rezone application
2. Maps and/or photos



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: \$200 CR (\$200)
Zoning: C-2 to C-3
Permit Number: 19-48
CityView Application: PL201900797
Date: 11/26/19

REZONE APPLICATION

APPLICANT: Kum & Go, L.C.
ADDRESS: 1459 Grand Ave., Des Moines, IA 50309 SUITE #: _____
GENERAL LOCATION OF PROPERTY: 200 & 204 W. Hudson Rd. (SW Corner of W. Hudson & N 2nd)
PHONE #: 515-457-6392 EMAIL: Dan.Garneau@kumandgo.com
PROPERTY OWNER: Metropolitan National Bank & Greg Henry PHONE #: 479-531-5102
PRESENT USE: Vacant bank bldg. & automotive repair shop ZONING: C-2
PROPOSED USE: Convenience store with fuel pumps ZONING: C-3

[Signature]
Applicant Signature

11/25/19
Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Applicant Certification
- ☒ Property Owner Affidavit
- ☐ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: 11/26/19 PUBLIC HEARING DATE: 12/17/19 CERTIFIED MAIL DATE: 12/02/19
PLANNING COMMISSION ACTION: _____ DATE: _____
CITY COUNCIL ACTION: _____ DATE: _____
ORDINANCE NUMBER: _____ COMMENTS: _____

PROPERTY OWNER AFFIDAVIT

The petitioner, Metropolitan National Bank, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION:

Tract 1: (Parcel Nos. 02-00730-000 and 02-00731-000)

A part of the NE 1/4 of the Fractional NE 1/4 of the Fractional NE 1/4 of Section 1, Township 19 North, Range 30 West, Benton County, Arkansas more particularly described as follows: Commencing at the SE corner of said NE 1/4 of the Fractional NE 1/4 of the Fractional NE 1/4; thence N 88°56'03" W 40.85 feet to a point on the West right of way line of Arkansas Highway 94 (North Second Street); thence N 01°00'46" E 322.90 feet along said West right of way line to the point of beginning; thence departing said West right of way line, N 88°20'46" W 174.96 feet; thence N 00°53'43" E 133.35 feet; thence S 88°21'04" E 24.96 feet to a found iron pin; thence N 01°12'04" E 160.00 feet to an iron pin found on the South right of way line of Hudson Road (80' R/W); thence along said South right of way line, S 88°24'42" E 64.83 feet to a found iron pin; thence S 50°57'59" E 107.79 feet to a right of way marker on the West right of way line of said Arkansas Highway 94 (80' R/W); thence along said West right of way line, S 01°00'46" W 228.01 feet to the point of beginning, containing 1.02 acres, more or less.

Tract 2: (Parcel No. 02-00728-001)

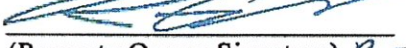
A part of the NE 1/4 of the Fractional NE 1/4 of the Fractional NE 1/4 of Section 1, Township 19 North, Range 30 West, Benton County, Arkansas more particularly described as follows: Commencing at the SE corner of said NE 1/4 of the Fractional NE 1/4 of the Fractional NE 1/4; thence N 88°56'03" W 40.85 feet to a point on the West right of way line of Arkansas Highway 94 (North Second Street); thence N 01°00'46" E 199.93 feet along said West right of way line to a found iron pin and the point of beginning; thence departing said West right of way line, N 89°20'39" W 269.61 feet to a found iron pin; thence N 00°52'24" E 261.04 feet to a found iron pin; thence S 88°21'04" E 95.02 feet; thence S 00°53'43" W 133.35 feet; thence S 88°20'46" E 174.96 feet to the West right of way line of said Arkansas Highway 94 (80' R/W); thence along said West right of way line, S 01°00'46" W 122.97 feet to the point of beginning, containing 1.07 acres, more or less.

LAYMAN'S DESCRIPTION: 200 W. Hudson Road, Rogers, AR 72756

PRESENT ZONING: C-2

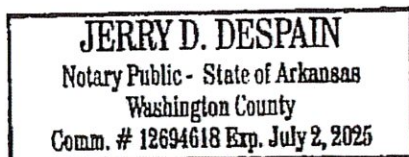
ZONING REQUEST: C-3

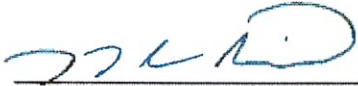
Respectfully Submitted,

By: 
(Property Owner Signature) R. Grant Leeka, Vice President

STATE OF ARKANSAS
COUNTY OF Washington

Subscribed and sworn before me this the 21st day of November, 2019.




Notary Signature
Jerry D. Despain
Notary Name Printed
July 02, 2025
Commission Expires

PROPERTY OWNER AFFIDAVIT

The petitioner, Greg & Donna Henry, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

Tract 3: (Parcel No. 02-00732-000)

Part of the NE 1/4 of NE 1/4 of Fractional NE 1/4 of Section 1, Township 19 North, Range 30 West, located in the City of Rogers, and being more particularly described as follows, to-wit:

LEGAL DESCRIPTION: Beginning at a point on the West right of way line of Arkansas Highway No. 94 and being located N 89°01'25" W 40 feet and N 01°12'25" E 456.66 feet from the SE corner of the NE 1/4 of NE 1/4 of Fractional NE 1/4 of said Section 1; thence N 88°21'45" W 150 feet to the point of beginning, thence N 01°12'25" E 160 feet to a point on the South right of way line of Arkansas State Highway No. 102; thence N 88°21'45" W 100 feet along said Highway No. 102 right of way line; thence S 01°12'25" W 160 feet to a point; thence S 88°21'45" E 100 feet to the point of beginning.

LAYMAN'S DESCRIPTION: 204 W. Hudson Road, Rogers, AR 72756

PRESENT ZONING: C-2

ZONING REQUEST: C-3

Respectfully Submitted,

By: Greg & Donna Henry
(Property Owner Signature)

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this 25 day of November, 2019.

Kara D Howard
Notary Signature



KARA D HOWARD
Notary Name Printed

Feb 26, 2025
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 25TH day of NOVEMBER, 2019.

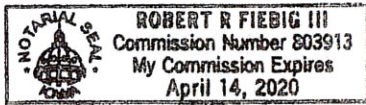

Signed

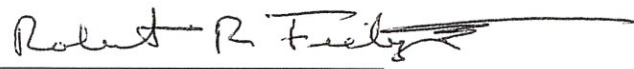
DAN GARNETT
Name Printed

STATE OF ~~ARKANSAS~~ IOWA

COUNTY OF POLK

Subscribed and sworn before me this the 25TH day of NOVEMBER, 2019.




Notary Signature

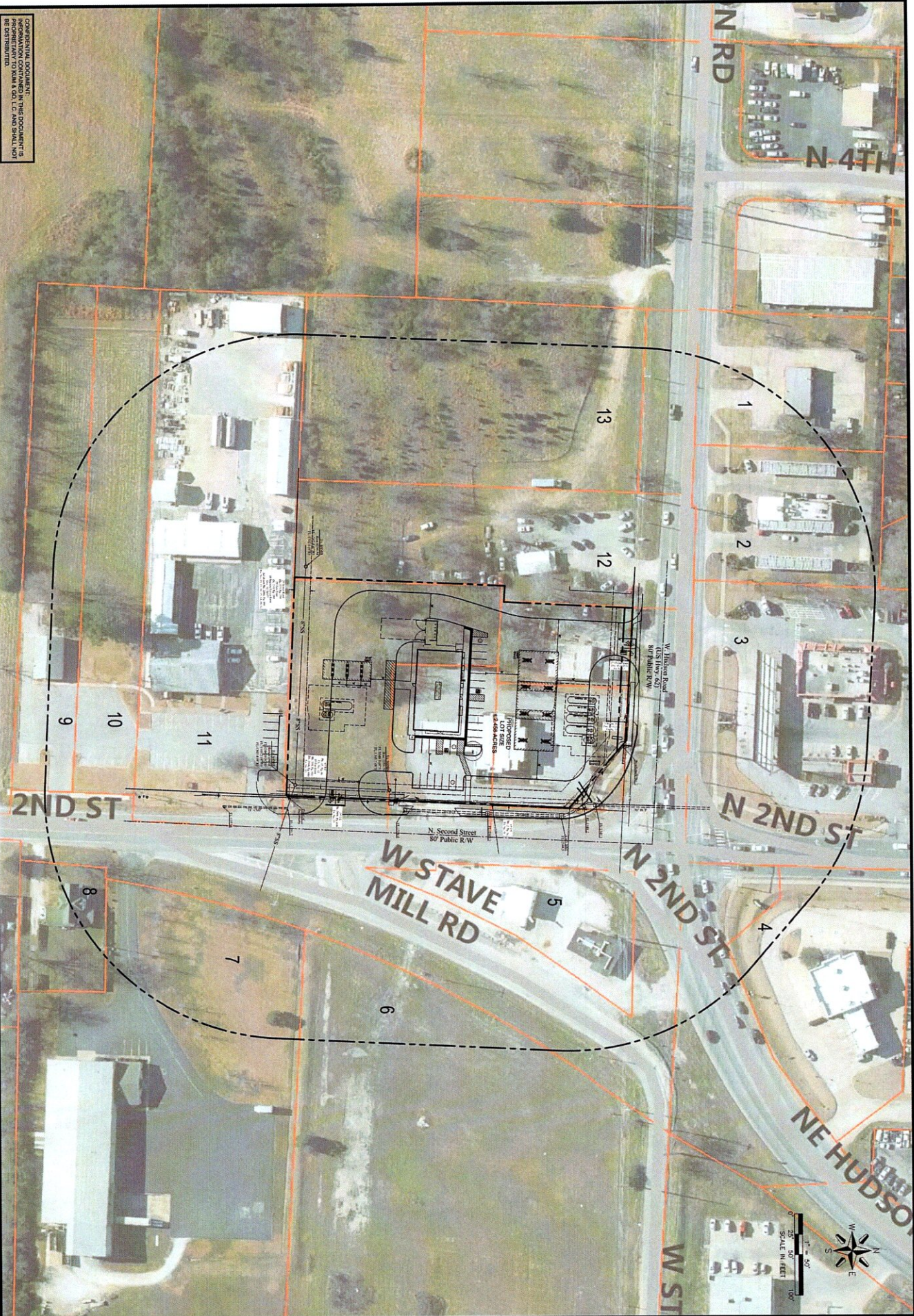
ROBERT FIEBIG III
Notary Name Printed

4/14/20
Commission Expires

ADJACENT PROPERTY OWNERS' NAME & MAILING ADDRESS FORM

Property Number	Parcel ID	Address of Property	Name of Property Owner(s)	Mailing Address of Property Owner(s)
1	02-02135-002	307 W Hudson Rd	State Line Properties, LLC.	PO Box 7448, Little Rock, AR 72217
2	02-02135-001	303 W Hudson Rd	Esch Inc. General Partner & Esch Family Ltd Partnership	4100 Corporate Center Drive, Suite 220, Springdale, AR 72762
3	02-02135-003	201 & 203 W Hudson Rd	AKSHAR 8, LLC.	2508 Sam School Rd., Southlake, TX 76092
4	02-00708-000	2503 N 2 nd St	Clearwater Investments, Inc.	PO Box 1055, Bentonville, AR 72712
5	02-00050-000	2403 N 2 nd St	Joe & Jamie Capko	301 Genoa Way, Centerton, AR 72719
6	02-00051-000	W Stave Mill Rd	SHA ENT, LLC.	PO Box 66, Seligman, MO 65745
7	02-00051-001	2259 N 2 nd St	Directline Logistics, LLC.	606 SW 14 th St., Bentonville, AR 72712
8	02-00052-000	2255 N 2 nd St	Mark & Joyce Barker Rev. Trust	9405 Valley View Pl., Rogers, AR 72756
9	02-00740-000	2256 N 2 nd St	United States of America	PO Box 867, Little Rock, AR 72203
10	02-00739-000	2258 N 2 nd St	United States of America	PO Box 867, Little Rock, AR 72203
11	02-00729-000	2260 N 2 nd St	United States of America	PO Box 867, Little Rock, AR 72203
12	02-00728-000	208 W Hudson Rd	Paula, Prince & Wesley Bowlin	3009 W. New Hope Rd., Rogers, AR 72758
13	02-00728-002	W Hudson Rd	Arrog Hudson, LLC.	653 W. Dickson St., Fayetteville, AR 72701

CONFIDENTIAL DOCUMENT
 INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
 DATE 11-25-19 BY 60323
 THIS DOCUMENT IS UNCLASSIFIED
 DATE 11-25-19 BY 60323



SHEET NUMBER 1 OF 1	DATE 11-25-19	REVISION DESCRIPTION	4400 Westtown Parkway West Des Moines, Iowa P. 515-228-0128 F. 515-223-8873		SEWELL INSPECTIONS TESTING AND ENGINEERING PO BOX 22851 NASHVILLE, TN 37202 PHONE (615) 779-3161
	REVISIONS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 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DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **December 17, 2019 at 5:00 p.m.** on the application by **Kum & Go** to consider a rezone from the **C-2 (Highway Commercial)** zoning district to the **C-3 (Neighborhood Commercial)** zoning district at **200 & 204 W. Hudson Rd.** the property being more particularly described as follows:

LEGAL DESCRIPTION:

Tracts A & B as shown on the Lot Line Adjustment recorded in Plat Book 2006, Page 896 and an additional tract as described in Warranty Deed recorded as Doc. No. 92-74536 and entire tract described as follows:

Beginning at the Southeast corner of said Tract B; thence North 87°29'32" West, 269.61 feet along the South line of said tract B to the Southwest corner thereof; thence North 2°43'31" East, 261.04 feet along the West line of said Tract B to the Northwest corner thereof; thence South 86°29'57" East, 19.98 feet along the North line of said Tract B to a point being the Southwest corner of said tract as described in Doc. No. 92-74536; thence North 3°03'11" East, 159.89 feet (measured), 160 feet (deed) to a point on the South right of way of W. Hudson Road (AR Hwy. 102); thence South 86°33'35" East, 164.83 feet along said South right of way; thence South 49°06'52" East, 107.79 feet along said South right of way to a point on the West right of way of S. Second Street (AR Hwy 94); thence South 2°51'53" West, 350.98 feet along said West right of way to the point of beginning. Contains 107,054 square feet of 2.458 acres of land, more or less.

LAYMAN'S DESCRIPTION:

200 & 204 W. Hudson Rd.

Mandel Samuels, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **December 2, 2019**
BILL THE CITY OF ROGERS

